

Notice of Allowability

Application No.

10/674,925

Examiner

Melody M. Burch

Applicant(s)

GENISE, THOMAS A.

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/30/05.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 2/21 & 11/30/05.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/30/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Hinman on 1/3/06.

The application has been amended as follows:

- In line 14 of claim 1, line 17 of claim 12, and in line 15 of claim 22 the word "moves" has been changed to --move-- for grammatical purposes;
- In line 2 of claim 7 the phrase "fixed plate" has been changed to --fixed reaction plate--for consistency;
- In line 2 of claim 9 the term "belleville" has been changed to --Belleville--;
- In line 3 of claim 10 the phrase "driving member" has been changed to --driving member assembly-- to provide proper antecedent basis for the recited term;
- In line 3 of claim 11 the phrase "ramped portion" has been changed to --ramped portions--;
- In line 5 of claim 11 the phrase "further portion" has been changed to --further portions-- to maintain consistency;
- In line 3 from the bottom of claim 12 the word "flyweight" has been changed to --flyweights--;

Art Unit: 3683

- In both instances in line 3 and in lines 5 and 7 of claim 13 the phrase “driving member” has been changed to --driving member assembly-- to provide proper antecedent basis for the recited term;
- In lines 4 and 6 of claim 13 the phrase “engine idle” has been changed to --known idle-- to provide proper antecedent basis for the term;
- In line 1 of claim 14 the phrase “said surface” has been changed to --said first of said surfaces--;
- In line 11 of claims 1 and 22 and in line 13 of claim 12 the phrase “received between” has been changed to --received directly between—in order to eliminate the use of disc 15 or 14 arranged to the right of the spring 20 which urges the discs away from the reaction plate as being interpreted as the axially movable plate;
- In lines 2 and 3 of claim 14 the phrase “ramped portion” has been changed to --ramped portions-- and the phrase “a further portion” has been changed to --further portions-- also the phrase “further portion” in line 4 of claim 14 has been changed to --further portions-- to maintain consistency;
- The phrase “actuation members carried by... axially fixed reaction plate” in lines 10-13 of claim 15 has been changed to --actuation members fixed to said flyweights for radial movement therewith, said actuation members received directly between opposed surfaces (124 and 126) of a relatively axially fixed reaction plate (125) and an axially movable plate

(128), a first of said surfaces (126) defining a plurality of ramped portions (148) extending radially outwardly and axially toward the other of said surfaces whereby as said actuation members move radially outwardly along said ramped portions said axially movable plate will be urged in an axial direction away from said reaction plate--;

- In both instances in line 3 of claim 24 the phrase "driving member" has been changed to --driving member assembly--.

2. The following is an examiner's statement of reasons for allowance: Banker fails to show or suggest the limitation wherein when the wedging or actuation members move radially outwardly along the ramped portions the axially movable plate will be urged in an axial direction away from the reaction plate. In Banker, as the wedging or actuation members move radially outwardly (or upwardly) along the ramped surfaces, the axially movable plate 22 moves toward the reaction plate 17. Also, Maurice et al. in view of Henry, fail to teach the invention since Maurice et al., as modified, lack the limitation of flyweights undergoing radial movement relative thereto about a pivot axis parallel to the input shaft. The pivot axis about or around which the flyweights of Maurice et al., as modified, undergo radial movement is normal to the input shaft. Accordingly, the independent claims 1, 12, 15, and 22 are allowable over the prior art of record. The dependent claims are allowable due to their dependency from one of the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 3683

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mmb
January 4, 2006

Melody M. Burch
Melody M. Burch
Primary Examiner
Art Unit 3683
1/4/06